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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/675,121

**Applicant(s)**

MURRAY, F. RANDALL

**Examiner**

Joiya M. Cloud

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2007.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 03/17/2008, 06/06/2008  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Inventor's Patent Application  
6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This action is responsive to the communication filed on October 14, 2007. Claims 1-25 are presented for examination. Applicant's arguments and amendments filed 10/14/2007 have been carefully considered but are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., "the one or more instant messages communicated in a Session Initiation Protocol (SIP) format") to the claims which significantly affected the scope thereof.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 20-25** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**As per exemplary claim 20**, the claim recites the language "*operable* for executing instructions for." Such claim language fails to produce a useful, concrete and tangible result, as a media application server operable for executing instructions is only capable of executing instructions but does not actually perform the steps thereafter.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-9, 11-18 and 20-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellner (US Patent No. 6,628,767 B1) in view of Tarnanen et al. (US Publication No. 2004/0199649 A1).

As per claim 1, Wellner discloses the invention substantially as claimed. Wellner teaches a method for call conferencing, comprising detecting an event associated with a conference call (**Abstract, where the detected event is e.g., when an active speaker in the conference call changes**) the conference call associated with a plurality of participants; and communicating one or more instant messages associated with the detected event to one or more of the participants (**Necessitated by Applicant's specification, an "instant message refers to a message that is transmitted from a source to a destination for presentation at the destination at the time it is received by the destination"**(paragraph [0025]), therefore Wellner teaches such an instant message viewed by a talker applet and display screen which is updated with a new list and display, when new participants join or hang up in a conference call, col. 6, lines 61-67, Figure 7 and 9. See also Abstract where a message is sent to participants in response to a detected active speaker change).

Wellner does not disclose wherein the one or more instant messages communicated in a Session Initiation Protocol (SIP) format.

However, Tarnanen teaches wherein the one or more instant messages communicated in a Session Initiation Protocol (SIP) format **(paragraph [0005] and [0039])**.

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Wellner's telecommunication's conferencing system to the teachings of Tarnanen, for the purpose of "providing support for multimedia services across the Web and Internet domain for IP enabled devices" and "for rich call session control" **(see paragraphs [0005] and [0039])**.

**As per claim 2**, Wellner-Tarnanen teaches a method wherein the event comprises a chairperson of the conference call joining the conference call; and the one or more instant messages identify at least one of a number of participants who have joined the conference call and a name of each participant who has joined the conference call **(Wellner: Figure 2, where a chairperson is the conference host and the message "people currently connected: n", identifies the number of participants who have joined the conference. See also Figure 4, where a list of each participant who joined the conference is named)**.

**As per claim 3**, Wellner-Tarnanen teaches a method wherein the one or more instant messages identify at least one of a number of participants who have joined and exited the conference call and a name of each participant who has joined and exited the conference call **(Wellner: Figures 2, 4, and 9, where figure 9 displays the name of the participant who exited the conference call by sending the message "Pierre hung up...", col. 6, lines 61-67)**.

**As per claim 4**, Wellner-Tarnanen teaches a method wherein the event comprises one of the participants joining the conference call (**Wellner: col. 6, lines 61-67**); and the one or more instant messages identify a name of the participant who joined the conference call (**Wellner: Figure 4, where a message is sent to the participants displaying a list of each participant who joined the conference**).

**As per claim 5**, Wellner-Tarnanen teaches a method wherein the event comprises one of the participants exiting the conference call (**wellner: col. 6, lines 61-67**); and the one or more instant messages identify a name of the participant who exited the conference call (**wellner: Figure 9, where a message is sent to the participants displaying a screen list of each participant who hangs up in the conference**).

**As per claim 6**, Wellner-Tarnanen teaches a method wherein the event comprises one of a beginning and an end of the conference call; and the one or more instant messages identify that the conference call has one of begun and ended (**wellner: col. 5, lines 1-8, col.5, lines 36, where an a screen display message with detailed instructions for joining a conference is displayed after detecting the first step by a participant in beginning a conference. Figure 11, where a message is sent notifying participants that conference has ended**).

**As per claim 7**, Wellner-Tarnanen teaches a method wherein the event comprises one of the participants failing to provide a correct pass code when attempting to join the conference call (**col. 8, lines 17-31**); and the one or more instant messages are communicated to a chairperson and identify the participant, an incorrect pass code provided by the participant, and the correct pass code (**col. 8, lines 17-43**).

**As per claim 8**, Wellner-Tarnanen teaches a method wherein the event comprises a chairperson of the conference call exiting the conference call (**Wellner: Figure 10 and Figure 11**); and the one or more instant messages indicate that the conference call will end after a specified amount of time (**col. 11, lines 10-15**).

**As per claim 9**, Wellner-Tarnanen teaches a method wherein the event comprises one of the participants transferring the conference call from one communication device to another communication device; and the one or more instant messages indicate that the participant transferred communication devices (**Wellner: col. 8, lines 7-15, col. 11, lines 50-65 and col. 2, lines 1-10**).

**As per claim 11**, Wellner-Tarnanen discloses an apparatus for call conferencing, comprising: one or more ports operable to receive at least one channel of a plurality of channels for a communication session (**Wellner: Abstract**), the at least one channel having information from at least two of a plurality of conference call participants (**Wellner: Abstract**); and one or more processors collectively operable to: detect an event associated with the conference call; and communicate one or more instant messages associated with the detected event to one or more of the participants (**Wellner: Figure 1, col. 9, lines 24-30 and Abstract, where Wellner-Tarnanen discloses a telecommunications conferencing system which includes a conference bridge with a plurality of ports, voice connections are established between a plurality of conference participants and where currently active speakers are detected and these changes are instantly notified to all conference participants**).

**Claim 12** is substantially the same as **claim 2**, but in apparatus form rather than method form and thus rejected using the same rationale.

**Claims 13-18** is substantially the same as **claims 4-9**, but in apparatus form rather than method form and thus rejected using the same rationale.

**Claims 20-21** are substantially the same as **claims 1-2** and are thus rejected using the same rationale.

**Claims 22-24** are substantially the same as **claims 4-6** and are thus rejected using the same rationale.

***Claim Rejections - 35 USC § 103***

6. **Claims 10, 19, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellner-Tarnanen in view of Desai et al. (**U.S. Patent No. 6,618,746 B2, hereinafter Desai**).

**As per exemplary claim 10**, Wellner-Tarnanen discloses the invention substantially as claimed. However, Wellner-Tarnanen does not explicitly teach wherein a survey and the one or more processors are further collectively operable to receive one or more responses from one or more of the participants containing answers to the survey; tabulate the answers; and communicate one or more instant messages containing the tabulated answers to a chairperson of the conference call.

Desai teaches a survey and the one or more processors are further collectively operable to receive one or more responses from one or more of the participants containing answers to the survey (**receiving answers to a questionnaire**); tabulate the answers (**retrieving the analysis**



**and performing the statistical analysis**); and communicate one or more instant messages containing the tabulated answers to a chairperson of the conference call (**Abstract, col. 3, lines 43-67**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Wellner-Tamanen's telecommunication's conferencing system to the teachings of Desai, for the purpose of providing a means for feedback from a networked communication session and its participants. Furthermore, enabling a survey allows "gathering of information across a network quickly and efficiently," (Abstract).

**Claims 19 and 25** are rejected using the same rationale.

***CONCLUSION***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JMC*

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144

December 11, 2007

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